

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. Claims 16, 20-21 and 25-27 have been cancelled. Claims 1 and 28 have been amended. Claims 1-15, 17-19, 22-24 and 28 are pending.

Rejection of claims 1-28 under 35 U.S.C. §103(a)

Claims 1-28 were rejected under 35 USC 103(a) as unpatentable over US Patent Number 6,317,729 to Camp *et al.* ("Camp") in view of US Patent Number 5,677,955 to Doggett *et al.* ("Doggett") and in further view of US Patent Number 6,081,790 to Rosen. The rejection of claims 16, 20-21 and 25-27 are moot as these claims have been cancelled. Further, independent claims 1 and 28 have been amended to include additional limitations. The undersigned respectfully submits that the combinations of limitations recited in independent claims 1, 22 and 28 are not obvious in view any combination of the cited references. More particularly, the multiple security functions associated with the programmable device as set forth in claim 1 are not recited as claimed in any combination of the references cited.

Further, claim 28 now includes both the security function wherein the user generates his/her own key pair and the limitation wherein the programmable device includes at least one memory for tracking financial transaction information.

Finally, with respect to independent claim 22, there is no teaching or suggestion of the combination of limitations, particularly the combination that includes "checking a customer's memo balance for the selected account to determine if funds therein are sufficient to pay the amount due." The undersigned notes that this limitation was not addressed by the Office in the outstanding rejection. This limitation, in combination with the other limitations is unique as it allows the merchant to ascertain immediate information regarding the ability of the user to pay for the purchase, without the need to consult a third party. The undersigned respectfully traverses this rejection and requests reconsideration thereof.

The foregoing is submitted as a full and complete Response to the non-final Office Action mailed 15 July 2003, and early and favorable consideration of the claims is requested. If the Examiner believes any informalities remain in the application which may be corrected by Examiner's Amendment, or if there are any other issues which may be resolved by telephone interview, a telephone call to the undersigned attorney at (202)508-5889 is respectfully solicited. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1458, and please credit any excess fees to such deposit account.

Respectfully submitted,

Date: 7/13/04
 KILPATRICK STOCKTON LLP
 Suite 900
 607 14th Street, N.W.
 Washington, D.C. 20005
 (202) 508-5800

By: Dawn Marie Bey
 Dawn-Marie Bey
 Registration No. 44,442

WSH/Doc#192628